

1 THE HONORABLE MARSHA J. PECHMAN  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 ROGER and JANET STEGALL, husband and  
11 wife, and the marital community composed  
12 thereof,

Plaintiffs,

v.

13 HARTFORD UNDERWRITERS  
14 INSURANCE COMPANY, an insurance  
15 company,

Defendant.

No.: C08-668MJP

DECLARATION OF TONI Y. ANDERS IN  
OPPOSITION TO PLAINTIFFS' MOTION  
FOR EVIDENTIARY SANCTIONS

Noted: May 1, 2009

I, Toni Y. Anders, declare:

1. I am one of the attorneys representing Hartford Underwriters Insurance Company  
in this matter. I make this declaration in opposition to Plaintiffs' Motion for Evidentiary  
Sanctions. I am over the age of 18 and competent to make this declaration based upon my  
personal knowledge.

2. Attached hereto as **pages 3-5** are true and correct excerpts from the Janet Stegall's  
deposition transcript.

3. Attached hereto as **pages 6-7** is a true and correct copy of the December 27, 2006  
through January 3, 2007, email string between Mrs. Stegall and Mr. Fretwell.

4. Attached hereto as **page 8** is a true and correct copy of the December 28, 2006,  
estimate for \$2,500 prepared by T&W Roofing.

5. Attached hereto as page 9 is a true and correct copy of the January 4, 2007, email message from Janinne Armstrong to Mr. Fretwell.

6. Attached hereto as **page 10** is a true and correct copy of my July 15, 2008 letter to Plaintiffs' counsel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: April 27, 2009 at Seattle, WA.

/s/ Toni Y. Anders

Toni Y. Anders, WSBA #31238

11527351.1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

ROGER and JANET STEGALL, )  
                               )  
Plaintiffs,                 )  
                               )  
vs.                         ) No. C08-668MJP  
                               )  
HARTFORD UNDERWRITERS INSURANCE )  
COMPANY,                     )  
                               )  
Defendant.                 )  
                               )

DEPOSITION UPON ORAL EXAMINATION OF JANET STEGALL

January 20, 2009

Seattle, Washington

REPORTED BY: Kayla Lynn Rauscher, CCR No. 3078

Kaylareporter@hotmail.com

<p style="text-align: right;">Page 26</p> <p>1 A. Oh, not very long. 20 minutes might have been stretching 2 it, I think. You have to ask my husband, though, because 3 the time -- you know, right now, time doesn't seem right to 4 me. So... He wasn't there very long. I know he was in a 5 hurry. He had to catch a plane or something. He said he 6 had been really busy with this storm.</p> <p>7 Q. Other than asking for your -- or exchanging e-mail 8 addresses with you and maybe a business card, do you recall 9 any other conversations that you had with him?</p> <p>10 A. Just at the time, you know. He was telling me about his 11 knee surgery. He'd injured his knee and had surgery on it 12 or something, and he had -- it seems like he was limping 13 and had a knee brace thing on and --</p> <p>14 Q. Do you recall him inviting you to contact him, either by 15 phone or e-mail, if you had any questions about anything?</p> <p>16 A. Yeah. Well, he said that -- he said a few things that I 17 can't remember what they were. He said things like not to 18 worry about -- oh, he said for the trusses, I remember him 19 saying that he would just throw in a few two-by-fours and 20 things to take care of the trusses, I remember him saying 21 that. Oh, what else?</p> <p>22 Q. Do you remember him inviting you to contact him if he you 23 had any questions?</p> <p>24 A. I know he was going to contact me. I don't know that he 25 invited me to contact him. And then in the e-mail, I think</p>	<p>1 paperwork to see what their name was.</p> <p>2 Q. Did you ever send Mr. Fretwell's company copies of any 3 estimates that you had gotten on your own?</p> <p>4 A. I don't remember that, either. I don't remember. They 5 might have told me to deal with you -- with -- not with 6 you, but with Hartford. It seems like they did tell me 7 later to deal with Hartford.</p> <p>8 Q. Did you send any estimates to Hartford?</p> <p>9 A. I think that was one of the big problems, is I never could 10 get a lot of estimates, and when I did get one, yes, we 11 did, but I think it ended up through a legal messenger.</p> <p>12 Q. No, I mean, before the lawsuit was filed, did you send any 13 estimates to Hartford?</p> <p>14 A. I -- I did send them some, but they were just on portions, 15 not on totals.</p> <p>16 Q. Other than temporary repairs, did you send any estimates?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. Which contractor's estimate did you send to 19 Hartford?</p> <p>20 A. I think T&amp;W, but not regular contractors. We never got a 21 regular contractor to do a full estimate until -- until 22 the -- just before the lawsuit. And I think you -- 23 Hartford did not receive it, they might have, but did not 24 receive it, except with the lawsuit.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 27</p> <p>1 he asked for more pictures. But I think he did, he might 2 have.</p> <p>3 Q. He might have what?</p> <p>4 A. I don't know. I know I did call, I did call him later, to 5 ask him about his figures.</p> <p>6 Q. Did you actually talk to him?</p> <p>7 A. I actually talked to his company and whatnot. And I -- I 8 said they -- someplace, he must have really messed up, 9 so...</p> <p>10 Q. And what did they say; I mean, how did that conversation 11 go?</p> <p>12 A. Well, they said that we -- maybe they'd have him contact me 13 and I don't remember if he did or not after that. But they 14 also said that they thought that the, you know, the prices 15 were okay, but I said, I can't really read -- I had a hard 16 time reading his estimate, a very hard time, and I couldn't 17 find where they paid for the garage at all and -- or for 18 the trusses for that fact, by then. When I got that 19 estimate, it was very, very incomplete, it seemed to me.</p> <p>20 Q. And is that when you think you called Mr. Fretwell?</p> <p>21 A. That's when I think I called Mr. -- well, I think I called 22 Hartford first or maybe -- maybe then -- I thought I called 23 Hartford first, but I think I called him first, in fact, 24 first -- I think I called Fretwell's company. I don't 25 remember what their name was. I'd have to look at my</p>	<p>1 A. And the reason -- there was a reason for that.</p> <p>2 Q. Okay.</p> <p>3 A. The reason for that was we couldn't get anybody to finish 4 an estimate.</p> <p>5 Q. Okay. Going back to what you said, you said you sent 6 Hartford T&amp;W's estimate. Is that the roofing company that 7 did the temporary repairs?</p> <p>8 A. Only on the -- yeah, right, on the temporary repairs, 9 right.</p> <p>10 Q. Okay. So that was the only one?</p> <p>11 A. I think those were only ones, period. There was a couple 12 of them.</p> <p>13 Q. Okay. A couple of them for temporary repairs?</p> <p>14 A. Right.</p> <p>15 Q. Okay.</p> <p>16 A. There might have been -- there might have been one. I 17 don't know if it was on an upper. Everything was all 18 separate from them. It would be upper roof, flat roof, and 19 house roof. So -- but I think, I know I sent them all the 20 temporary repair ones. Whether they sent me or asked me 21 for another, I think they asked for one after -- it was 22 after the appraiser, so it wasn't before the appraiser, it 23 was after the appraiser, and they wanted another on one of 24 the -- on one of the roofs. But they didn't add it into 25 the appraisal.</p>

	Page 30		Page 32
1 Q. So you sent them another one?		1 whether it would have been a new claim, I don't know. But,	
2 A. After, yeah.		2 either way, it still continued to be temporary repairs	
3 Q. And how did you send that to them?		3 until we finally got them done by another company this	
4 A. It went through e-mail to that Fretwell.		4 year.	
5 Q. And where was the --		5 Q. Do you recall anyone from Hartford talking to you about	
6 A. And a copy, I think a copy must have gone to Hartford the		6 depreciation?	
7 same way.		7 A. Oh, I understand depreciation. I think it's -- I didn't	
8 Q. And what company did that estimate come from?		8 think my policy had depreciation in it, since it was a --	
9 A. That would have been that T&W, but it was -- I think it was		9 supposed to have had the full coverage thing in it.	
10 for the flat roof, which would have been the garage roof.		10 Q. Do you remember her talking to you about it, though?	
11 Q. And was that temporary repair?		11 A. Oh, I might have, I don't -- don't really remember, because	
12 A. No, that was a permanent repair.		12 I probably would have cut it off if she started telling me	
13 Q. Okay.		13 about depreciation.	
14 A. Like, \$2,500 to do that. It was either the upper garage		14 Q. Do you recall that the check that she --	
15 roof or the flat roof, one or the other.		15 A. Had it in it, yeah.	
16 Q. Do you still have a copy of that estimate?		16 Q. -- that Hartford sent to you -- do you recall the check	
17 A. If I didn't give it to them, I should have a copy of it		17 that Hartford sent to you having a deduction for	
18 somewhere.		18 depreciation?	
19 Q. Okay.		19 A. Yes, I do.	
20 A. I can hunt for it. Right now, I don't even know where the		20 Q. And did you call Hartford after you received that check?	
21 file is, so...		21 A. I called because I couldn't figure out what the amount for	
22 Q. According to Michelle Stevens' notes on January 24th, you		22 the roof was on it, the garage roof. There was nothing in	
23 called to say that you had an opportunity to schedule some		23 it for the garage roof, I didn't think. It had an	
24 roof repairs, and do you recall that conversation?		24 explanation that came with it.	
25 A. The date -- I -- I remember calling her and telling her		25 Q. Okay. Did you -- so you had -- you received the check and	
	Page 31		Page 33
1 that I had scheduled maybe some roof repairs.		1 the explanation and you called Hartford?	
2 Q. Was it T&W that you were talking about, was it the same		2 A. And the depreciation and everything else in it, yes, and I	
3 roofing company?		3 called Hartford because there was nothing on there for that	
4 A. It had to be the same roofing company at the time. It		4 garage roof or that final -- the additional -- it seems	
5 might have been with a different representative for the		5 like that -- 25 or \$2,800 sticks in my mind that I sent	
6 roofing company, but, like I said, they had three owners		6 someone at Hartford, as well as the appraiser, after the	
7 within three months.		7 appraisal for a portion of that garage roof, the flat roof,	
8 Q. And were these roofing repairs going to be permanent		8 or the upper roof, one or the other, but I thought it was	
9 repairs or were these also temporary repairs?		9 the flat roof.	
10 A. I couldn't tell you. I would have to look and see what		10 Q. And --	
11 happened on those dates. I really can't tell you. We		11 A. But it could have been the upper roof. I'd have to go dig	
12 didn't get any permanent repairs done until this year, I		12 it out and find out for sure. But that was strictly for	
13 can tell you that.		13 the garage and it was in addition to what was not on the --	
14 Q. Okay. But you think T&W wrote an estimate for permanent		14 their appraisal, and I know that's the reason I called,	
15 repairs back then?		15 because there was nothing in there for that.	
16 A. Yes. It would have been in addition to any temporary		16 Q. Did you talk to her about the depreciation deduction?	
17 repairs that they had already done.		17 A. I really wasn't so concerned -- yeah, I probably did,	
18 Q. And you think that --		18 because I would not have thought it would be in my policy,	
19 A. Or that they were doing still.		19 the way my policy was supposed to be written.	
20 Q. Okay.		20 Q. Do you remember what she said to you about how to	
21 A. I had a very hard time getting them to make anything		21 collect that --	
22 permanent. But we also had the wind redamaging during,		22 A. Yeah, that you have to get it done and then -- then bill	
23 like, a three-week period of time there, too. So whether		23 her for it afterwards, which I -- you know, to me was the	
24 -- whether it's the same claim because of the fact that it		24 reason why I took out the additional thing, coverage on my	
25 was still damaging and taking off the temporary repairs or		25 policy, so we wouldn't have that. But, in fact, that	

9 (Pages 30 to 33)

**From:** [stegallja@comcast.net](mailto:stegallja@comcast.net)  
**Subject:** FW: RE: Dec Storm  
**Date:** March 13, 2008 1:33:17 PM PDT  
**To:** [soniac@mtwlawfirm.com](mailto:soniac@mtwlawfirm.com) (Sonia chakalo)

----- Forwarded Message -----

**From:** [stegallja@comcast.net](mailto:stegallja@comcast.net) (Janet Stegall)  
**To:** "chuck fretwell" <[cashf@msn.com](mailto:cashf@msn.com)>  
**Subject:** RE: Dec Storm  
**Date:** Wed, 03 Jan 2007 22:07:54 +0000  
I'M SORRY THE PICTURES DIDN'T COME THROUGH. BUT I LOST SOME PROGAMS WHEN THE POWER WENT OUT AND MY PRINTER SCANNER SO I HAVE TO GET IT FIXED. I WILL TRY TO GET THEM WITH THESE OTHER ESTIMATES TO YOU IN THE NEXT COUPLE OF DAYS. I WILL HAVE TO BRING THEM OVER FROM ROGERS COMPUTER TO MINE TO SEND THEM.

**From:** [stegallja@comcast.net](mailto:stegallja@comcast.net) (Janet Stegall)  
**Date:** January 3, 2007 2:07:54 PM PST  
**To:** "chuck fretwell" <[cashf@msn.com](mailto:cashf@msn.com)>  
**Subject:** RE: Dec Storm

**From:** "chuck fretwell" <[cashf@msn.com](mailto:cashf@msn.com)>  
**Date:** December 28, 2006 6:14:09 PM PST  
**To:** [stegallja@comcast.net](mailto:stegallja@comcast.net)  
**Subject:** RE: Dec Storm

I did not receive any pics with this or estimate.

Thanks,  
Chuck

**From:** [stegallja@comcast.net](mailto:stegallja@comcast.net) (Janet Stegall)  
**To:** [cashf@msn.com](mailto:cashf@msn.com)  
**Subject:** Dec Storm Date: Wed, 27 Dec 2006 17:19:24 +0000

I have been trying to get this to email and had to redo my printer scanner drivers and everything else. The pictures are after most everything was cleaned up. The one shows the roof structure damage the others mostly show the remaining deck roof that went down.  
I wish he would have taken pictures earlier , but this is the only ones he took.  
This is the bill from the roofers.

Thank You,

Janet Stegall  
425-481-3327  
22426- 3rd Pl. W.  
Bothell, WA. 98021

**T & W Roofing & Siding Co.**  
**P.O. Box 564**  
**Woodinville, WA 98072**  
**Contractor ID# TWCOM\*\*125LF**  
**Your Foul Weather Friend since 1975**

*We Cover It All*

**12/28/2006**  
**Ph. (425) 483-2272**  
**FAX (425) 485-9898**  
**Email: TandWcomp@aol.com**  
**www.TandWRoofing.com**

### **Proposal**

**Proposal for:** Janet Stegall  
**Attention:** Same  
**Address:** 22426 3<sup>rd</sup> Pl. West  
Bothell, WA 98021

**Project Name:** House repair  
**Contact:** Same  
**Job Address:** Same

**Phone:** 425-481-3327

***T & W Company proposes to furnish material and labor complete in accordance with specifications and terms listed below.***

***Replace wind damaged back side of house with 20 year 3-tab roofing to match.  
Repair any damaged structural sheeting. Replace damaged gutter back gutter and downspout.***

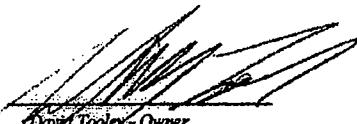
**Repair Price:** \$2,500.00 + tax

**Terms:** Due upon completion

*All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from the above specifications involving extra cost will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.*

**Acceptance of Proposal -** The above prices, specifications, and conditions are hereby accepted. You are authorized to do the work specified. Payment will be made as outlined above.

**Authorized  
Signature**



*David Tooley - Owner*

**Date** 12-28-2006

*Upon payment in full, owner will receive written labor warranty, manufacturer's warranty, if any, and a Lien Waiver.*

**NOTE:** This proposal may be withdrawn if not accepted within 90 days.

**Signature**

**Date of acceptance**

8

**From:** stegallja@comcast.net  
**Subject:** FW: Stegall's Storm Damage  
**Date:** March 13, 2008 1:23:51 PM PDT  
**To:** soniac@mtwlawfirm.com (Sonia chakalo)  
► 1 Attachment, 8.6 MB

----- Forwarded Message: -----

From: "Janinne Armstrong" <[janinnea@hotmail.com](mailto:janinnea@hotmail.com)>  
To: [cashf@msn.com](mailto:cashf@msn.com)  
Cc: [stegallja@comcast.net](mailto:stegallja@comcast.net)  
Subject: Stegall's Storm Damage  
Date: Thu, 4 Jan 2007 03:54:19 +0000

I'm sending this for my mother Janet Stegall as her e-mail will not send it.  
You will receive one more e-mail to follow with the additional photos.

Janinne Armstrong



12/13/2006

TONI Y. ANDERS  
Direct Dial: (206) 521-6458  
E-mail: toni.anders@bullivant.com

July 15, 2008

Timothy A. Bearb  
Law Offices of Michael T. Watkins  
1100 Dexter Ave. N  
Seattle, WA 98109

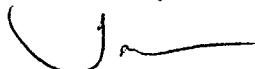
Michael T. Watkins  
Law Offices of Michael T. Watkins  
1100 Dexter Ave. N  
Seattle, WA 98109

Re: Stegall, et ux. v. Hartford Underwriters  
USDC Case No. C08-0212TSZ

Dear Timothy and Michael:

Enclosed is a copy of the file from RJMW Claim Service. Please call if you have questions.

Sincerely,



Toni Y. Anders

TYA

cc: Lee S. Siegel

10676722.1